AJN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2414 OF 1992

Mr. Sunderdas Lalchand Harjani)
C/o. K.S. Harjani of Bombay)
Indian Inhabitant, residing at)
3rd Pasta Lane, Colaba,)
Bombay - 400 005.) ... Petitioner

Vs.

1. Union of India

2. The Defence Estate Officer,)
Bombay Circle, Colaba,)
Bombay - 400 005.) ... Respondents

Mr. Y.T. John for the petitioner.

Mr. S.R. Rajguru with Mr. Y.R. Mishra for the respondents.

CORAM: SMT. RANJANA DESAI &
ABHAY S. OKA, JJ.

DATED: 8TH DECEMBER 2005.

ORAL JUDGMENT :- (Per : Smt. Ranjana Desai, J.)

1. In this petition, the petitioner has prayed that the flat being Flat No.10 on the 3rd floor of the building known as "Lalchand Mansion", 3rd Pasta Lane, Colaba, Mumbai, (for convenience, "the said flat") be ordered to be dehired. Today, we have disposed of Writ Petition No.2384 of 1992 in which a similar prayer was made. The subject matter of that writ petition is flat No.7 on the second floor of the same building known as "Lalchand Mansion". It is undisputed that both these flats belonged to the petitioner. In both these petitions, the parties are same. Same issues are involved and same

reliefs are claimed in both these petitions. Hence this writ petition also can be disposed of in terms of the directions given in Writ Petition No.2384 of 1992.

Hence, we pass the following order:

O R D E R

2. The petitioner shall make a fresh application for dehiring of the said flat to the Defence Minister, Union of India, with a copy endorsed to Mr. Ashwani Kumar, Defence Estate Officer, Colaba, Mumbai, setting out all details along with additional materials in support of his application. In the said application, the petitioner may request that the said flat may be dehired on compassionate ground. If such an application is made by the petitioner, the same will be considered by the respondents within a period of eight weeks from the date of receipt of the same. The petition is disposed of in the aforestated terms.

(SMT. RANJANA DESAI, J.)

(ABHAY S. OKA, J.)